

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION

DERRICK A. TRIPLET,

Plaintiff,

V.

HAMILTON,

Defendant.

Civil Action No. 7:21cv00584

MEMORANDUM OPINION

By: Hon. Thomas T. Cullen
United States District Judge

Plaintiff Derrick A. Triplett, proceeding *pro se*, filed this civil action under 42 U.S.C. § 1983. On December 20, 2022, the defendants filed a motion for summary judgment; on December 21, 2022, the court issued a notice pursuant to *Roseboro v. Garrison*, 528 F.2d 309, 310 (4th Cir. 2005). (*See* ECF Nos. 44–46.) The *Roseboro* notice gave Triplett 21 days to file a response to the motion for summary judgment and advised him that, if he did not respond to the defendants’ motion, the court would “assume that Plaintiff has lost interest in the case, and/or that Plaintiff agrees with what the Defendant states in their responsive pleading(s).” (*See* ECF No. 46.) The notice further advised Triplett that, if he wished to continue with the case, it was “necessary that Plaintiff respond in an appropriate fashion,” and that if he failed to file a response to the motion within the time allotted, the court “may dismiss the case for failure to prosecute.” (*Id.*) Triplett did not respond to the motion and, therefore, the court will dismiss this action without prejudice for failure to prosecute.

The Clerk is directed to send copies of this Memorandum Opinion and the accompanying Order to the parties.

ENTERED this 16th day of February, 2023.

/s/ Thomas T. Cullen
HON. THOMAS T. CULLEN
UNITED STATES DISTRICT JUDGE